

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLOTTE CARROLL,

Plaintiff,

v.

TMX FINANCE OF TEXAS,

Defendant.

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Civil Action No. **3:19-CV-1804-L**

ORDER

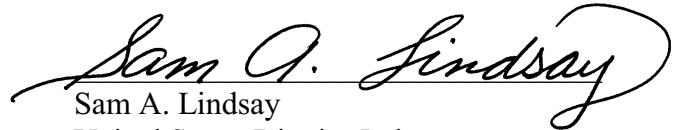
On October 25, 2019, the United States Magistrate Judge entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (Doc. 45) (“Report”), recommending that the court grant Defendant’s Motion to Compel Arbitration (“Motion”) (Doc. 5), filed August 5, 2019, and grant Defendant’s request to prejudice this action because all claims are subject to the parties’ Arbitration Agreement. No objections to the Report were filed by Plaintiff.

Having reviewed the Motion, briefs, evidence, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court.

Section 3 of the Federal Arbitration Act (“FAA”), 9 U.S.C. §§ 1-16, provides for a stay pending arbitration; however, when all claims are subject to arbitration, the court, in its discretion, may dismiss the action with prejudice. *Alford v. Dean Witter Reynolds, Inc.*, 975 F.2d 1161, 1164 (5th Cir. 1992) (citations omitted). The reason for dismissal with prejudice is that retaining jurisdiction of the action by the district court serves no purpose because any remedies after arbitration are limited to judicial review based on the grounds set forth in the FAA. *Id.* (citation omitted). As all claims are subject to arbitration and should be arbitrated, the court determines that

there is no reason for it to retain jurisdiction over the action. Thus, the court agrees that dismissal with prejudice of this action as requested by Defendant and recommended by the magistrate judge is appropriate. The court, therefore, **grants** Defendant's Motion to Compel Arbitration (Doc. 5), **dismisses with prejudice** this action, and **denies as moot** Defendant's alternative request to stay the proceedings in this case pending arbitration. If Plaintiff wishes to pursue her claims against Defendant, she must do so in arbitration in accordance with section the parties Arbitration Agreement. Further, the court **directs** the clerk of the court to term all pending motions.

It is so ordered this 18th day of November, 2019.


Sam A. Lindsay
United States District Judge